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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/840,105

04/24/2001

Toru Kikuchi

35.G2779

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02/13/2006

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EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Response to Rule 312 Communication</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/840,105	KIKUCHI, TORU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian D. Nguyen	2661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1. ☒ The amendment filed on 01 September 2005 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.


b) ☒ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

  
**BRIAN NGUYEN**  
**PRIMARY EXAMINER**

2/6/06

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leonard P. Diana on 2/7/06.

2. Please delete the ABSTRACT OF THE DISCLOSURE filed on 9/1/05, under 37 CFR 1.312 and replace the abstract with the following replacement abstract:

A communication apparatus is provided that includes a first coding unit for creating first coded data including an audio signal coded by a first audio coding method, a second coding unit for creating second coded data including an audio signal coded by a second audio coding method that is different from the first audio coding method, a control unit for switchably selecting at least one of the first coded data created by the first audio coding method and the second coded data created by the second audio coding method, and a sending unit for sending at least one of the first coded data and the second coded data to another communication apparatus. The sending unit sends the first coded data and the second coded data when the control unit switches selection from the first audio coding method to the second audio coding method while the communication apparatus is in communication with the other communication apparatus. The control unit does not select the second coded data until a predetermined time has passed since the second coding unit starts creating the second coded data.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

Art Unit: 2661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
1/7/06

**BRIAN NGUYEN**  
PRIMARY EXAMINER